UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,641	11/17/2000	Robert D. Haskins	ZIP00-01	7793

7590 04/19/2007	EXAMINER

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EXAMINER
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ART UNIT	PAPER NUMBER
2143	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	09/715,641	HASKINS ET AL.
	Examiner	Art Unit
	J. Bret Dennison	2143

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 February 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

RESPONSE TO AMENDMENT

1.   This Action is in response to the Amendment for Application Number 09/715,641

received on 9 February 2007.

2.   Claims 1-28 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stark et al.

(U.S. 2003/0233420) in view of Barchi (U.S. 6,507,866).

3.   Regarding claims 1, 2, 12, 14, 15, and 26-28, Barchi disclosed a method for

controlling transmission of messages from an originator computer system, the method

comprising the steps of:

detecting an outbound message from an originator computer system (Barchi, col.

5, lines 59-63, Barchi disclosed detecting email originating from a single user; col. 6,

lines 4-6, Barchi disclosed detecting incoming email messages);

tracking the originator of email messages with a field containing information

identifying the originator of the received email message (Barchi, col. 8, lines 1-8);

performing a quota enforcement operation based on a message count

associated with an originator and a message limit to produce a message transmission

result (Barchi, col. 6, lines 43-48, Fig. 5, 503-505, Barchi disclosed checking the

message count against a threshold; col. 5, lines 59-63, Barchi disclosed detecting from

a single user); and

> performing a selective transmit operation including at least one of

>> i) transmitting the outbound message onto a computer network if

the message transmission result contains a transmit value; and

>> ii) preventing transmission of the outbound message onto a computer

network if the message transmission result contains a no transmit value (Barchi,

col. 8, lines 10-32, Barchi disclosed setting a flag depending on whether the

threshold has been exceeded, the flag being used to determine whether to

prevent or allow transmission of the message).

Barchi also disclosed an implementation of origin-based heuristic filtering in

which an SMTP server is configured to look up the IP address of an originator, and if the

IP address is on a list of known, prohibited sites, the SMTP server can refuse to accept

SMTP commands from the originator (Barchi, col. 3, line 61 through col. 4, line 6).

While Barchi did suggest checking the IP address of the originator against known

addresses, Barchi did not explicitly state verifying an authenticity of an originator

address associated with the outbound message by comparing a mapping of network

addresses with account names such that the originator address associated with the

outbound message is associated with a valid account name and network address pair.

While the teachings of Barchi provides functionality of checking IP addresses

from a refusal list, the teachings provide for checking the IP address from a list in

general. The overall functionality of checking an IP address is still performed.

However, the specifics towards checking by comparing the IP address to the IP

addresses associated with valid accounts to authenticate the IP address are not

provided by Barchi.

In an analogous art, Stark disclosed a method for controlling transmission of

messages from an originator computer system, the method comprising the steps of:

detecting an outbound message from an originator computer system (Stark,

[0048], Stark disclosed the MessageML Service detecting an outbound message from a

sender); and

verifying an authenticity of an originator address associated with the outbound

message by comparing a mapping of network addresses with account names such that

the originator address associated with the outbound message is associated with a valid

account name and network address pair (Stark [0048], Stark disclosed when the

MessageML Service receives a message from a sender, the Service Provider checks

the physical IP address and the account to verify that the IP address matches one of the

entries in the Informant Stylesheet, and if a match is found, the message is considered

authentic, otherwise, rejected; [0047] The Informant Stylesheet defines information

about the Informant or sender of the information and its valid transport sources or

locations from where it will send its messages).

Barchi allows for protection of the receiving email system against malicious users

(Barchi, col. 5, lines 64-67). Clearly the intent of Stark's authenticating of IP addresses

is to also protect against malicious users.

Therefore, it would have been obvious to modify the teachings of Barchi to include spoofing prevention teachings of Stark to provide a more efficient system for detecting undesired email from malicious users benefiting users by providing a more secure email system.

Claim 12 includes a method with limitations that are substantially similar to the limitations of claim 1. Claims 14 and 26 include a computer system (Barchi, Fig. 9) with a database (Barchi, col. 6, lines 20-55) used to perform the limitations of claim 1. Claims 27 and 28 include a computer program product with limitations substantially similar to claim 1. Therefore, claims 12, 14, 26, 27 and 28 are rejected under the same rationale.

4.   Regarding claims 3 and 16, Barchi and Stark disclosed the limitations, substantially as claimed, as described in claims 2 and 15, including wherein the step of comparing the message count associated with an originator identity of the outbound message includes the steps of.

obtaining an originator address associated with the outbound message (Stark, [0048]);

obtaining the originator identity associated with the outbound message by performing an originator identity lookup based on the originator address (Stark, [0048]); and

obtaining at least one message count associated with the originator identity by

performing a message count lookup based on the originator identity (Barchi, col. 6, lines

38-50).

5.   Regarding claims 4 and 17, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 3 and 16, including wherein:

the step of obtaining an originator address includes retrieving a network address

associated with the outbound message from a message connection establishment

protocol used to transfer the outbound message from an originator computer system to

a recipient computer system (Barchi, col. 8, lines 1-8);

the step of obtaining the originator identity includes the step of querying a login

database containing mappings of originator addresses to originator identities based on

the originator address obtained in the step of obtaining an originator address (Stark,

[0048]); and the

step of obtaining a message count for the originator identity associated with the

outbound message includes querying a quota database containing associations of

message counts to originator identities based on the originator identity associated with

the outbound message (Barchi, col. 6, lines 38-50); and

wherein the message count is at least one message count that indicates, for an

originator identity, a current number of outbound message transmitted over an elapsed

time interval (Barchi, col. 6, lines 38-50, col. 7, line 65 through col. 8, line 10); and

wherein the message limit is at least one message limit corresponding to a

respective at least one message count that indicates, for an originator identity, a

maximum number of outbound messages that may be transmitted over a predetermine

time interval (Barchi, col. 7, line 65 through col. 8, line 10). See above for motivation.

6.   Regarding claims 5 and 18, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 2 and 15, including wherein the step of

updating the message count associated with the originator identity of the outbound

message includes the steps of calculating a total number of recipients for the outbound

message and incrementing the message count associated with the originator identity by

the total number of recipients for the outbound message (Barchi, col. 8, lines 1-45,

Barchi discloses tracking recipients of email messages). See above for motivation.

7.   Regarding claims 6 and 19, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 2 and 15, including wherein the

message limit indicates an amount of outbound messages that may be transmitted from

the originator computer system over a certain period of time for the originator identity

associated with the outbound message (Barchi, col. 8, lines 1-10, Barchi discloses a

threshold for a period of time); and

wherein the originator identity of the outbound message is indicative of at least

one of:

a specific user account operating under control of a computer user;

a specific message sending user; and

a specific domain (Stark, [0048]).

8.   Regarding claims 7 and 20, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 2 and 15, including wherein:

the message limit condition indicates if a computer user account associated with

the originator identity used to transmit the outbound message is attempting to transmit a

number of outbound messages that exceeds the message limit in a predetermined

amount of time (Barchi, col. 7, line 65 through col. 8, line 8); and

wherein the message limit condition occurs if the step of comparing determines

at least one of the message count exceeds the message limit(Barchi, col. 7, line 65

through col. 8, line 8); and

the message count is equal to the message limit (Barchi, col. 7, line 65 through

col. 8, line 8) See above for motivation.

9.   Regarding claims 8 and 21, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 2 and 15, including wherein the quota

enforcement operation includes the steps of:

verifying authenticity of at least one recipient associated with outbound message

(Barchi, col. 8, lines 1-50). See above for motivation.

10.   Regarding claims 9 and 22, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 1 and 14, including wherein the step of

performing a quota enforcement operation includes the step of:

comparing a previous message transmission result with a no-transmit value, and

if the previous message transmission decision equals the no-transmit value, performing

the step of performing a selective transmit operation (Barchi, col. 8, lines 1-45). See

above for motivation.

11.   Regarding claims 10 and 23, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claims 1 and 14, including wherein the step of

detecting an outbound message includes the steps of:

searching a quota enforcement list for an originator address associated with the

message, and if the originator address associated with the message is contained in the

quota enforcement list, performing the steps of performing a quota enforcement

operation and performing a selective transmit operation, and if the originator address

associated with the message is not contained in the quota enforcement list, skipping the

step of performing the quota enforcement operation and performing the step of

transmitting the outbound message from the computer system (Barchi, col. 8, lines 1-

45). See above for motivation.

1.   Regarding claims 11 and 24, Barchi and Stark disclosed the limitations,

substantially as claimed, as described in claim 1, including the steps of:

authenticating a connection from the originator computer system (Stark [0048],);

recording authentication information in a login database, the authentication

information including an originator address assigned to the originator computer system

and an originator identity associated with the originator address (Stark [0047]-[0048],);

receiving, for transmission to a recipient computer system, the outbound message from the originator computer system (Stark [0048],);

forwarding the outbound message to a quota server to perform the steps of detecting an outbound message, performing a quota enforcement operation and performing a selective transmit operation (Barchi, col. 8, lines 1-45). See above for motivation.

2.   Regarding claim 13, Barchi and Stark disclosed the limitations, substantially as claimed, as described in claim 12, including wherein:

the at least one message count includes a first message count and a second message count (Barchi, col. 8, lines 1-45);

wherein the at least one message limit includes a first message limit and a second message limit(Barchi, col. 8, lines 1-45);

wherein in the step of comparing, the first message count is compared to the first message limit to determine if the first message count exceeds the first message limit in which case the message transmission result is set to a no-transmit value (Barchi, col. 8, lines 1-45); and

wherein in the step of comparing, the second message count is compared to the second message limit to determine if the second message count exceeds the second message limit in which case the message transmission result is set to a no-transmit value (Barchi, col. 8, lines 1-45).

3.   Regarding claim 25, Barchi and Stark disclosed the limitations, substantially as claimed, as described in claim 24, including wherein the port redirector is a data communications device capable of directing outbound messages based on content contained within the outbound message, and wherein when the port redirector receives an outbound message that is to be subject to message quota enforcement based upon content contained with the outbound message, the port redirector forwards the outbound message to the quota server (Barchi, col. 8, lines 1-45). See above for motivation.

Response to Amendment

Applicant's arguments and amendments filed on 9 February 2007 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims

with scope parallel to the Applicant in the response and reiterates the need for the

Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in

the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully

requested to indicate the portion(s) of the specification which dictate(s) the structure

relied on for proper interpretation and also to verify and ascertain the metes and bounds

of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-

3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free).

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